

### **REMARKS/ARGUMENTS**

In view of the claim amendments above and the remarks and arguments below, Applicant believes the pending application is in condition for allowance.

#### **I. Status of the Claims**

Claims 8-27 were previously pending in this application.

Claims 1-7 were previously canceled without prejudice to or disclaimer of the subject matter contained therein.

Claims 8, 10, 11, 14, 15, 18, 19, 22, 23, 26, and 27 are amended in this Response as follows.

Claim 8 is amended to correct a typographical error that arose in preparing an English translation of the original Japanese-language PCT claims. Namely, the word “only” in the phrase “a luminescent layer formed only of an inorganic compound” was inadvertently omitted in the English translation of the original Japanese-language PCT claim 1. As evidence, Applicant respectfully submits the following documents.

- Page 15 of WO 2005/002289 A1 (attached as Exhibit A to this paper), which is the publication of PCT/JP2004/008799. The present U.S. national stage application originates from this PCT application. The attached page shows the entire PCT claims 1-7 in the original Japanese language.
- A newly-prepared, literal English translation of the PCT claims 1-7 (Exhibit B).
- A certificate of translation attesting to the accuracy of the English translation (Exhibit C).

The English translation presented in Exhibit B shows that the original PCT claim 1 recites “a luminescent layer formed only of an inorganic compound” (underline added). In the First Preliminary Amendment filed on December 29, 2005, claim 1 was canceled and its subject matter

was reintroduced in new claim 8 with claim language that conforms to U.S. practice.<sup>1</sup> Accordingly, no new matter is introduced by the amendment made to claim 8 in this Response.

Claims 10 and 11 are amended to correct a typographical error, namely, “an inorganic compound capable of dissolving the metal compound.” No new matter is introduced by this claim amendment.

Claims 14 and 15 are amended to clarify that the “inorganic compound” recited therein refers to the “luminescent metal compound” and the “inorganic compound capable of dissolving the metal compound therein as a solid solution” recited in the respective parent claims 10 and 11. Support for the amendment can be found in the Specification as originally filed, for example, on page 17, lines 9-21. No new matter is introduced by this claim amendment.

Claims 18, 19, 22, 23, 26, and 27 are amended to clarify that the “inorganic compound” recited therein refers to the “combination of a luminescent metal compound with an inorganic compound capable of dissolving the metal compound therein as a solid solution” recited in the respective parent claims 10 and 11.

- Support for the amendment of claims 18 and 19 can be found in the Specification as originally filed, for example, on page 17, line 19 through page 18, line 12.
- Support for the amendment of claims 22 and 23 can be found in the Specification as originally filed, for example, on page 17, line 19 through page 18, line 12, and on page 18, line 25 through page 19, line 23.
- Support for the amendment of claims 26 and 27 can be found in the Specification as originally filed, for example, on page 17, line 19 through page 18, line 12, on page 18, line 25 through page 19, line 23, on page 21, lines 2-12, and in Example 1 on pages 23-25.

No new matter is introduced by these claim amendments.

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<sup>1</sup> In addition, claim 2 became claim 9, multiple dependent claim 3 became claims 10 and 11, multiple dependent claim 4 became claims 12-15, multiple dependent claim 5 became claims 16-19, multiple dependent claim 6 became claims 20-23, and multiple dependent claim 7 became claims 24-27.

Upon entry of this Response, claims 8-27 are pending and at issue.

## **II. Receipt of Foreign Priority Document by the Office**

The Office Action Summary page of the outstanding Office Action indicates, in the section titled "Priority under 35 U.S.C. § 119," that "None" of the certified copies of the priority documents have been received by the Office in this application.<sup>2</sup>

However, it is also stated in the Detailed Action under the header "Priority" that "Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file."<sup>3</sup>

Further, attached as Exhibit D is the list of documents contained in the Image File Wrapper for this application. The list was downloaded from the public PAIR website maintained by the Office on September 18, 2008. On page 2, line 2 of the list is an entry for a document described as "Certified Copy of Foreign Priority Application." This document was downloaded on the same day and is attached as Exhibit E. Applicant respectfully submits that this document is a copy of the foreign priority document pertinent to the present application.

Accordingly, Applicant respectfully requests, and would appreciate, clarification on whether a copy of the foreign priority document for this application has been officially received by the Office.

## **III. Objection to Claims 14, 15, 18, 19, 22, 23, 26, and 27**

Claims 14, 15, 18, 19, 22, 23, 26, and 27 are objected to because of informalities. Specifically, the objected claims each depend from either claim 10 or 11, and recite the term "the inorganic compound." However, the parent claims 10 and 11 recite the term "inorganic compound"

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<sup>2</sup> Non-Final Office Action dated May 30, 2008, Office Action Summary page.

<sup>3</sup> Non-Final Office Action dated May 30, 2008, page 2, lines 1-4.

twice, and it is unclear which “inorganic compound” the child claims refer to as the antecedent basis. Applicant appreciatively thanks Examiner Farokhrooz for pointing out this informality.

Applicant has made appropriate amendments to the claims objected to so that it is clear what the term “the inorganic compound” recited therein refers to. Accordingly, Applicant respectfully requests that the objection to claims 14, 15, 18, 19, 22, 23, 26, and 27 be withdrawn.

#### **IV. Rejection of Claims 8 and 9 under 35 U.S.C. § 102(e) over Kido**

Claims 8 and 9 are rejected under 35 U.S.C. § 102(e) as anticipated by United States Patent Application Publication No. 2003/0189401 A1 by Kido et al. (“Kido”). The Examiner contends that Kido discloses all the elements recited in these claims. Applicant respectfully traverses the rejection.

Claim 8 as amended recites “a luminescent layer formed only of an inorganic compound” (underlines added).

In contrast, Kido teaches an “organic electroluminescent device” or an “organic EL device” in which two or more light-emissive units are provided between a cathode electrode and an opposing anode electrode.<sup>4</sup> Specifically, Kido discloses that:

The “light-emissive unit” refers to a component of the EL device having a layer structure including at least one light-emissive layer including an organic compound, i.e., the component of the conventional organic EL device from which an anode and a cathode are omitted.<sup>5</sup>

That is, Kido only teaches an emissive layer that contains an organic compound.

This is also made clear in other places of Kido. For example, Kido states: “the formation of two or more light-emissive units (mainly formed from an organic material)”<sup>6</sup>; and “a plurality of

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<sup>4</sup> Kido, Abstract and paragraph [0002] (underlines added).

<sup>5</sup> Kido, paragraph [0117] (underlines added).

<sup>6</sup> Kido, paragraph [0025], lines 8-9.

light-emissive units (includes at least one light-emissive layer, principally consists of an organic material and generally has a laminated structure of two or more layers).”<sup>7</sup>

Accordingly, Applicant respectfully submits that Kido does not teach or suggest a light-emissive or luminescent layer that contains only inorganic compounds as recited in claim 8. At least for this reason, Kido does not anticipate claim 8. Applicant respectfully requests that the rejection of claim 8 be withdrawn.

Claim 9 depends from claim 8. Therefore, at least for the same reason as stated above for claim 8, Kido also does not anticipate claim 9. Applicant respectfully requests that the rejection of claim 9 be withdrawn.

Applicant further reserves the right to antedate Kido, including by submitting an Affidavit or Declaration under 37 CFR 1.131.

**V. Rejection of Claims 10-27 under 35 U.S.C. § 103(a) over Kido in view of Leblans**

Claims 10-27 are rejected under 35 U.S.C. § 103(a) as unpatentable over Kido in view of United States Patent No. 5,632,930 to Leblans et al. (“Leblans”). The Examiner contends that Kido in combination with Leblans renders these claims obvious. Applicant respectfully traverses the rejection.

The rejection is predicated on the assertion that Kido, the primary reference, discloses a light-emissive or luminescent layer that contains only inorganic compounds as recited in claim 8, from which claims 10-27 depend. However, as discussed above, Kido does not teach or suggest such a layer.

Leblans also does not teach or suggest such a layer. Leblans is directed to “X-ray intensifying screens” in which phosphor particles absorb X-rays and convert them into visible light or ultraviolet radiation.<sup>8</sup> It is also directed to “stimulable phosphor screens” in which photo-

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<sup>7</sup> Kido, paragraph [0137], lines 3-6.

<sup>8</sup> Leblans, column 1, lines 7-19.

stimulable phosphors are exposed to X-rays to store their energy and then emit the stored energy as light upon stimulation by a scanning visible or infrared beam.<sup>9</sup> However, Leblans does not disclose a screen or a layer that undergoes luminescence by recombination of a hole and an electron, namely, electroluminescence.

Further, since Kido and Leblans are directed to different technical subject matters, one of ordinary skill in the art relevant to the present invention would not have been motivated to combine the disclosures of Kido and Leblans.

At least for these reasons, Applicant respectfully submits that Kido in view of Leblans does not render claims 10-27 obvious. Accordingly, Applicant respectfully requests that the rejection of claims 10-27 be withdrawn.

Applicant further reserves the right to antedate Kido, including by submitting an Affidavit or Declaration under 37 CFR 1.131.

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<sup>9</sup> Leblans, column 1, lines 31-44.

**CONCLUSION**

In view of the foregoing, it is believed that claims 8-27 are in immediate condition for allowance and it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Dated: October 20, 2008

Respectfully submitted,

By 

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